

REMARKS

1. Status of Present Application

Claims 1-52 are pending in the above-referenced application. By the Office Action mailed March 11, 2003, Claims 1-4, 6-11, 13-19, 21-28, 30-37, 39-47 and 52 stand rejected. Claims 5, 12, 20, 29, 38 and 48-51 are "objected to." The Office has acknowledged receipt of Applicant's Supplemental Amendment filed on January 16, 2003, which included therewith a Supplemental Information Disclosure Statement and PTO Form 1449, and the prior art references referenced in the Form 1449.

2. Claim Amendments

Applicant has amended herein Claims 1, 12, 13, 39, and 47 to correct minor typographical errors, that is, in these claims the term "exiting" was misspelled. Specifically, by the amendments the term "existing" has been deleted and the term --exiting-- has been inserted therefor. Support for this correction to the obvious typographical errors exists in the specification and in preambles of the respective claims.

3. Claim Rejections

Claims 1-4, 6-11, 13-19, 21-28, 30-37, 39-47 and 52 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Serial No. 10/015,285 to *Bates*. *Bates* is a co-pending U.S. patent application which claims priority to an earlier filed U.S. provisional application, serial number 60/255,543. The Office Action indicates that the effective date of

Bates is December 12, 2000, the filing date of the U.S. provisional application serial number 60/255,543.

The Examiner indicates in paragraph 6 of the Office Action that the above rejection under 35 U.S.C. § 102(e) can be overcome under the guidelines of 37 C.F.R. § 1.131. In accordance therewith, Applicant submits a Declaration of the sole inventor, Raymond Rudolph Spivey, and attached Exhibits, setting forth facts which evidence Applicant's invention of the subject matter disclosed and claimed in the present application by conceiving the claimed invention and actually reducing it to practice prior to December 12, 2000. Pursuant to 37 C.F.R. § 1.131, Applicant has traversed the rejections under 35 U.S.C. § 102(e). Therefore, Claims 1-4, 6-11, 13-19, 21-28, 30-37, 39-47 and 52 are allowable over *Bates*.

4. The Claims "Objected To"

The Examiner has indicated that Claims 5, 12, 20, 29, 38, and 48-51 are objected to as being dependent upon a rejected base claim, but would be allowable over the prior art if rewritten in independent form, including all limitations of the base claim and any intervening claims. Since the Applicant has properly traversed the claim rejections based on 35 U.S.C. § 102(e), Claims 5, 12, 20, 29, 38 and 49-51 also are allowable either as they presently stand or as amended herein to correct the minor typographical errors, respectively.

Conclusion

Applicant submits that with the filing of the Declaration pursuant to 37 C.F.R. § 1.131, Claims 1-52 are allowable over the prior art of record, and such favorable action is respectfully requested. Should the Examiner have any further questions or comments regarding this

application, the Examiner is respectfully requested to contact Applicant's counsel at the telephone number specified below.

Respectfully submitted,

March 19, 2003

Date

James F. Vaughan

James F. Vaughan

Registration No. 31,889

Womble Carlyle Sandridge & Rice, PLLC

P.O. Box 7037

Atlanta, GA 30357-0037

(404) 962-7528 (Telephone)

(404) 870-8178 (Facsimile)

Certificate of Hand Delivery

I hereby certify that this correspondence is being hand delivered to the
U.S. Patent and Trademark Office, Washington, D.C. 20231 on:

3/20/03

Robert W. Ham

Signature